

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

ELMER T. PRESTON
PLAINTIFF

V.

CAUSE NO. 1:23cv0053

VIRGINIA HIGHLANDS COMMUNITY COLLEGE,
DEFENDANT

COMPLAINT

NOW COMES the Plaintiff, ELMER T. PRESTON by and through his attorney CERID LUGAR, ESQ., of the LAW OFFICE OF LUGAR LAW, and here asserts this complaint at law against Defendant VIRGINIA HIGHLANDS COMMUNITY COLLEGE for damages resulting from disparate treatment and racial discrimination.

PARTIES AND JURISDICTION

1. Plaintiff, Elmer T. Preston is a resident of Washington County, Virginia, and was a permanent employee with Virginia Highlands Community College (VHCC) for two periods, most recently from 2017 until his termination on March 20, 2021.
2. Defendant VHCC is located at 100 VHCC Drive Abingdon, VA 24210, in Washington County.
3. Defendant VHCC is a community college that is part of Virginia's community college system and serves Washington County and its environs.
4. Plaintiff timely filed a complaint with the EEOC on March 12, 2021. Plaintiff received notice of a right to sue from the EEOC on September 20, 2023. The notice was dated September 6, 2023.

5. Plaintiff brings this claim pursuant to Title VII of the Civil Rights Act of 1964 (as amended), §§ 703(a), 704(a), and 706(g) (42 U.S.C. sec 2000e-2, 2000e-3(a), 2000e-5(g))

ALLEGATIONS

6. Plaintiff was employed at VHCC as a housekeeper.

7. Plaintiff's last day of Employment was on or about March 20, 2021, or March 1, 2021.

8. As a result of the discrimination perpetrated by Defendant's employees and maintained by the Defendant's failure to protect Plaintiff from such discrimination, the Plaintiff was terminated.

COUNT I - DISCRIMINATION

9. Plaintiffs incorporate Paragraphs 1-8 of this Complaint as if fully set forth herein.

10. Plaintiff, a Black man, was reprimanded inappropriately, given different assignments, told to use different facilities, and given different work parameters than white coworkers.

11. Plaintiff complained to a supervisor about his disparate treatment.

12. Defendant brought in an outside investigator who found evidence of discrimination against Plaintiff based on his race and made suggestions to Defendant on possible remedies.

13. Defendant made some changes in response to Plaintiff's complaints, but disparate treatment continued and Plaintiff's schedule was changed.

14. Despite Plaintiff's attempts to address his disparate treatment with supervisors, he was terminated.

WHEREFORE, Plaintiff demands judgment against the Defendant, in an amount which will compensate him for:

1. Compensatory damages including lost wages, past and future and/or impairment of power to earn money, and emotional distress.
2. Punitive damages to punish the Defendant for its willful, malicious, and/or grossly negligent conduct.
3. A permanent injunction against future acts of discrimination and harassment against Plaintiff by VHCC.
4. Costs expended herein, including reasonable attorneys' fees.
5. All other relief to which he may be entitled.

Respectfully submitted:

ELMER T. PRESTON

By: /s/ Cerid Lugar

Cerid E. Lugar, Counsel

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